

EXHIBIT 19

Robert A. Weikert (Bar No. 121146)
rweikert@nixonpeabody.com
Dawn N. Valentine (Bar No. 206486)
dvalentine@nixonpeabody.com
NIXON PEABODY LLP
One Embarcadero Center
San Francisco, California 94111-3600
Tel: (415) 984-8200
Fax: (415) 984-8300

David L. May (appearance *pro hac vice*)
dmay@nixonpeabody.com
Jennette E. Wiser (appearance *pro hac vice*)
jwiser@nixonpeabody.com
NIXON PEABODY LLP
799 9th Street NW
Washington, DC 20001-4501
Tel: (202) 585-8000
Fax: (202) 585-8080

Attorneys for Stardock Systems, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

STARDOCK SYSTEMS, INC.,

Plaintiff,

vs.

PAUL REICHE III AND ROBERT
FREDERICK FORD,

Defendants.

PAUL REICHE III AND ROBERT
FREDERICK FORD,

Counter-Claimants,

vs.

Case No. 4:17-CV-07025-SBA

**STARDOCK SYSTEMS, INC.'S
RESPONSE TO PAUL REICHE III
AND ROBERT FREDERICK FORD'S
SECOND SET OF REQUESTS FOR
PRODUCTION**

1 STARDOCK SYSTEMS, INC.,
2 Counter-Defendant.
3

4 PROPOUNDING PARTY: Defendants and Counter-Claimants Paul Reiche III and Robert
5 Frederick Ford

6 RESPONDING PARTY: Plaintiff and Counter-Defendant, Stardock Systems, Inc.

7 SET NO: TWO
8

9 Plaintiff and Counter-Defendant Stardock Systems, Inc. ("Stardock") through its counsel,
10 Nixon Peabody, LLP, responds and objects to the Second Set of Requests for Production ("the
11 Requests") propounded by Defendants and Counter-Claimants Paul Reiche III and Robert
12 Frederick Ford ("Defendants") as follows:

13 **RESERVATION OF RIGHTS**

14 1. To the extent that Stardock produces documents in response to the Requests, it does
15 so without conceding the materiality, admissibility, or relevance of any such documents, or of any
16 other substantive responses to the Requests. Nothing in these responses and objections shall be
17 deemed an admission regarding the existence of any information or documents or the truth or
18 accuracy of any statement or characterization contained in any request.

19 2. Stardock reserves all objections to the use of these responses and of any documents
20 it produces. All such objections may be interposed by Stardock at the time of trial or as otherwise
21 required by the rules or order of the Court.

22 3. Stardock reserves the right to amend, supplement, or withdraw its responses and
23 objections to the Requests.

24 4. The specific responses set forth below are based upon information now available to
25 Stardock. Discovery has only begun and Stardock reserves the right at any time to revise,
26 supplement, amend, withdraw or correct these responses as further discovery, and the development
27 of evidence, may warrant.
28

1 6. Stardock objects to the Requests to the extent they seek information or documents
2 that are protected from disclosure by the attorney-client privilege, any common interest privilege,
3 joint defense privilege, subject to the work product doctrine, or otherwise immune from discovery
4 as outlined in the Federal Rules of Civil procedure and other applicable law. Plaintiff hereby asserts
5 all applicable privileges, immunities, and/or exemptions.

6 7. Stardock objects to the Requests to the extent they purport to call for information or
7 documents not presently in the possession, custody, or control of Stardock, and/or is not
8 ascertainable by means of a reasonably diligent search, including without limitation, information
9 and documents that were never in Stardock's possession, are no longer in Stardock's possession,
10 or are in the possession of third parties or separate legal entities. Stardock has no obligation to
11 produce any such information.

12 8. Stardock objects to the Requests to the extent the purport to compel production of
13 information protected by federal or state privacy laws.

14 9. Stardock objects to each Request to the extent that it calls for the disclosure or
15 production of confidential information or trade secrets belonging to Stardock or other parties.
16 Stardock further objects to producing documents constituting the confidential information of a third
17 party, or in violation of a legal or contractual obligation of nondisclosure to a third party, without
18 either the consent of the relevant third party or a Court Order compelling production. Stardock
19 further objects to producing any documents or information that Stardock is required by law or
20 applicable regulations to keep confidential. Stardock objects to the production of any such
21 confidential information or trade secrets, if at all, before a suitable stipulated protective order has
22 been entered by the Court in this matter.

23 10. Stardock objects to each Request to the extent that it is vague and ambiguous or
24 contains a term or phrase that is vague and ambiguous.

25 11. Stardock objects to the Requests in their entirety to the extent they purport to compel
26 production of irrelevant material merely because some portion of a particular document or
27 documents may be relevant and subject to production. Stardock is entitled to redact irrelevant
28

1 material and thereby limit their production to material that is relevant to the issues presented by the
2 pleadings.

3 12. Stardock objects to the Requests to the extent that they contain individual requests
4 that are redundant or duplicative of other individual requests.

5 13. The specific responses set forth below are based upon information now available to
6 Stardock and Stardock reserves the right at any time to revise, correct, add to, supplement or clarify
7 the objections or responses set forth herein. Failure to object herein shall not constitute a waiver
8 of any objection that Stardock may interpose as to future supplemental responses.

9 14. Stardock's responses to the Requests are made expressly without in any way
10 waiving or intending to waive, but rather preserving and intending to preserve, all objections as to
11 the competence, relevance, materiality, and admissibility as evidence for any purpose of the
12 documents, or the subject matter thereof, in any aspect of this or any other action, arbitration,
13 proceeding or investigation.

14 15. A response or objection to an individual request does not mean necessarily that any
15 documents exist or are in the possession, custody, or control of Stardock that are responsive to any
16 specific individual request.

17 16. Stardock reserves the right to make additional objections at any time and to move
18 for an appropriate protective order.

19 **SPECIFIC RESPONSES TO REQUESTS FOR PRODUCTION**

20 **REQUEST FOR PRODUCTION NO. 75:**

21 Copies of any and all versions of Star Control: Origins that have been or will be released
22 including, but not limited to, (1) the first Beta version, called Fleet Battles, which was made
23 available in or around October 2017, (2) the second Beta version, called Fleet Battles 2, which
24 was made available on or around April 2018, and (3) the final version scheduled for release on
25 September 20, 2018.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 75:**

27 Stardock incorporates into its response the General Objections identified above as if fully
28 set forth herein. Stardock objects that "all versions" is vague and ambiguous. Stardock objects to

1 this Request insofar as it seeks information equally available to Defendants. Stardock objects to
 2 this Request on the grounds that it is overbroad as to scope and seeks information that is not relevant
 3 to any party's claims or defenses, reasonably calculated to lead to the discovery of admissible
 4 evidence, or proportional to the needs of the case. Stardock further objects to this Request to the
 5 extent that it is premised on or assumes facts not in evidence, and therefore lacks foundation.
 6 Stardock objects to this Request to the extent that it calls for the production of information—
 7 including confidential or trade secret information—belonging to one or more third parties.
 8 Stardock further objects to this Request to the extent that it seeks production of documents not in
 9 Stardock's possession, custody, or control, but, rather, in the possession, custody, or control of
 10 another entity. Stardock objects to this Request to the extent that it seeks the production of
 11 confidential or trade secret information belonging to Stardock.

12 Without waiving these objections, and subject thereto, Stardock will produce non-
 13 privileged, responsive documents within its possession, custody or control within 30 days of these
 14 responses.

15 **REQUEST FOR PRODUCTION NO. 76:**

16 All DOCUMENTS and COMMUNICATIONS CONCERNING the release of any version
 17 of Star Control: Origins that has been or will be released, including, but not limited to, (1) the first
 18 Beta version, called Fleet Battles, which was made available in or around October 2017, (2) the
 19 second Beta version, called Fleet Battles 2, which was made available in or around April 2018,
 20 and (3) the final version scheduled for release on September 20, 2018.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 76:**

22 Stardock incorporates into its response the General Objections identified above as if fully
 23 set forth herein. Stardock objects that "any version" is vague and ambiguous. Stardock objects
 24 that Stardock objects to this Request insofar as it seeks information equally available to Defendants.
 25 Stardock objects to this Request on the grounds that it is overbroad as to time and scope and seeks
 26 information that is not relevant to any party's claims or defenses, reasonably calculated to lead to
 27 the discovery of admissible evidence, or proportional to the needs of the case. Stardock further
 28 objects to this Request to the extent that it is premised on or assumes facts not in evidence, and

1 therefore lacks foundation. Stardock objects to this Request to the extent that it calls for the
 2 production of information—including confidential or trade secret information—belonging to one
 3 or more third parties. Stardock further objects to this Request to the extent that it seeks production
 4 of documents not in Stardock's possession, custody, or control, but, rather, in the possession,
 5 custody, or control of another entity. Stardock objects to this Request to the extent that it seeks the
 6 production of confidential or trade secret information belonging to Stardock.

7 Without waiving these objections, and subject thereto, Stardock will produce non-
 8 privileged, responsive documents within its possession, custody or control within 30 days of these
 9 responses.

10 Dated: August 8, 2018

Respectfully submitted,

11
12 **NIXON PEABODY LLP**

13 By: /s/ Robert A. Weikert

14 Robert A. Weikert (Bar No. 121146)
 15 rweikert@nixonpeabody.com
 16 Dawn N. Valentine (Bar No. 206486)
 17 dvalentine@nixonpeabody.com
 18 NIXON PEABODY LLP
 19 One Embarcadero Center
 20 San Francisco, California 94111-3600
 21 Tel: (415) 984-8200
 22 Fax: (415) 984-8300

23 David L. May (appearance *pro hac vice*)
 24 dmay@nixonpeabody.com
 25 Jennette E. Wiser (appearance *pro hac vice*)
 26 jwiser@nixonpeabody.com
 27 NIXON PEABODY LLP
 28 799 9th Street NW
 Washington, DC 20001-4501
 Tel: (202) 585-8000
 Fax: (202) 585-8080

Attorneys for Stardock Systems, Inc.

PROOF OF SERVICE

I am over the age of 18 and not a party to the within action. I am employed in the County of San Francisco, State of California by Nixon Peabody LLP. My business address is One Embarcadero, Suite 1800, San Francisco, California 94111.

On August 8, 2018, I served the following entitled document:

**STARDOCK SYSTEMS, INC.'S RESPONSE TO
PAUL REICHE III AND ROBERT FREDERICK FORD'S
SECOND SET OF REQUESTS FOR PRODUCTION**

on the parties stated below, through their attorneys of record by the following means of service:

X : BY E-MAIL — On this date, by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below:

X : BY MAIL — I am readily familiar with the firm's practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and that practice is that correspondence is deposited with the U. S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in San Francisco, California. On this date, I placed the document(s) in envelopes addressed to the person(s) on the attached service list and sealed and placed the envelopes for collection and mailing following ordinary business practices.

Stephen C. Steinberg, Esq.
BARTKO ZANKEL BUNZEL & MILLER
A Professional Law Corporation
One Embarcadero Center, Suite 800
San Francisco, CA 94111
ssteinberg@bzbm.com

Mark S. Palmer, Esq.
4 Meadow Drive
Mill Valley, CA 94941
mark@palmerlex.com

Attorneys for Defendants and Counter-Claimants
Paul Reiche III and Robert Frederick Ford

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 8, 2018, at San Francisco, California.


Kerry Kappler